

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE CITY OF PHILADELPHIA,

Plaintiff,

v.

JEFF SESSIONS, in his official capacity as
Attorney General of the United States,

Defendant.

Case No. 2:17-cv-03894-MMB

**DECLARATION OF BRAD P. ROSENBERG IN SUPPORT OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

I, BRAD P. ROSENBERG, hereby declare as follows:

1. I am a Senior Trial Counsel employed by the U.S. Department of Justice, in the Civil Division's Federal Programs Branch. I am a counsel of record for Defendant in the above-captioned proceeding. I am providing this declaration based on personal knowledge or information provided to me during the course of my official duties.

2. Attached hereto as **Exhibit A** is a true and correct copy, as appears in the administrative record that Defendant lodged in this case, of a May 31, 2016 memorandum from the Inspector General of the U.S. Department of Justice to the Assistant Attorney General of the Office of Justice Programs, titled "Department of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients."

3. Attached hereto as **Exhibit B** is a true and correct copy of DOJ Press Release No. 18-81. This document is publicly available in the ordinary course of business at <https://www.justice.gov/opa/pr/justice-department-demands-documents-and-threatens-subpoena-23-jurisdictions-part-8-usc-1373>.

4. Attached hereto as **Exhibit C** is a true and correct copy of DOJ Press Release No. 17-1140. This document is publicly available in the ordinary course of business at <https://www.justice.gov/opa/pr/justice-department-provides-last-chance-cities-show-1373-compliance>.

5. Attached hereto as **Exhibit D** is a true and correct copy, as appears in the administrative record that Defendant lodged in this case, of Audit Report 07-07 by the U.S. Department of Justice's Office of Inspector General, titled "Cooperation of SCAAP Recipients in the Removal of Criminal Aliens from the United States," except that Exhibit D does not include the Appendices to that report. Those Appendices, however, do appear in the copy of the report included in the administrative record previously lodged in this case.

6. Attached hereto as **Exhibit E** is a true and correct copy, as appears in the administrative record that Defendant lodged in this case, of a July 7, 2016 memorandum (with attachments) from the Assistant Attorney General of the Office of Justice Programs to the Inspector General of the U.S. Department of Justice, titled "Response: Department of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients."

7. Attached hereto as **Exhibit F** is a true and correct copy, as appears in the administrative record that Defendant lodged in this case, of a July 25, 2017 U.S. Department of Justice document titled "Backgrounder on Grant Requirements."

8. Attached hereto as **Exhibit G** is a true and correct copy, as appears in the administrative record that Defendant lodged in this case, of DOJ Press Release No. 17-826.

9. Attached hereto as **Exhibit H** is a true and correct copy, as appears in the administrative record that Defendant lodged in this case, of a June 22, 2017 letter from the City of Philadelphia to the U.S. Department of Justice.

10. Attached hereto as **Exhibit I** is a true and correct copy of a photo of a February 7, 2018 Memorandum from the Commanding Officer of the City of Philadelphia's Police Detention

Unit titled "U.S. Immigration and Customs Enforcement at PAB." In this exhibit, certain PII has been redacted.

11. Attached hereto as **Exhibit J** is a true and correct copy of DHS Form I-247A. This document is publicly available in the ordinary course of business at <https://www.ice.gov/sites/default/files/documents/Document/2017/I-247A.pdf>.

12. Attached hereto as **Exhibit K** is a true and correct copy of U.S. Immigration and Customs Enforcement Policy No. 10074.2. This document is publicly available in the ordinary course of business at <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf>.

13. Attached hereto as **Exhibit L** is a true and correct copy of the City of Philadelphia's Executive Order No. 7-15. This document is publicly available in the ordinary course of business at <http://www.phila.gov/ExecutiveOrders/Executive%20Orders/eo715.pdf>.

14. Attached hereto as **Exhibit M** is a true and correct copy of the January 22, 2018 Responses and Objections of Plaintiff City of Philadelphia to Defendants' First Set of Requests for Interrogatories in this matter. In this exhibit, certain PII has been redacted.

15. Attached hereto as **Exhibit N** is a true and correct copy of the February 14, 2018 Supplemental Responses and Objections of Plaintiff City of Philadelphia to Defendants' Interrogatories 4 and 5 in this matter. In this exhibit, certain PII has been redacted.

16. Attached hereto as **Exhibit O** is a true and correct copy of a Detainer Tracker spreadsheet as produced by the City of Philadelphia in discovery in this matter. In this exhibit, certain PII has been redacted.

17. Attached hereto as **Exhibit P** is a true and correct copy of the February 16, 2018 Supplemental Response and Objections of Plaintiff City of Philadelphia to Defendant's Interrogatory 4 in this matter. In this exhibit, certain PII has been redacted.

18. Attached hereto as **Exhibit Q** is a true and correct copy of an April 22, 2014 Bureau of Justice Statistics document titled "3 in 4 Former Prisoners in 30 States Arrested Within 5 Years of Release." This document is publicly available in the ordinary course of business at <https://www.bjs.gov/content/pub/press/rprts05p0510pr.cfm>.

19. Attached hereto as **Exhibit R** is a true and correct copy of the April 6, 2018 Plaintiff City of Philadelphia's Reply to Defendant's Proposed Stipulation of Facts in this matter. In this exhibit, certain PII has been redacted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 13, 2018.



Brad P. Rosenberg
Senior Trial Counsel